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UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re: PETER SZANTO, Debtor.	Case No. 16-33185-pcm11
PETER SZANTO, Plaintiffs, v. EVYE SZANTO, VICTOR SZANTO, NICOLE SZANTO, KIMBERLEY SZANTO, MARIETTE SZANTO, ANTHONY SZANTO, AUSTIN BELL, JOHN BARLOW, and BARBARA SZANTO ALEXANDER, Defendants.	Adv. Proc. No. 16-03114-PCM DEFENDANTS' ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT, WITH AFFIRMATIVE DEFENSES AND COUNTERCLAIMS

Evye Szanto, Victor Szanto, Nicole Szanto, Kimberley Szanto, Mariette Szanto, Anthony Szanto, Austin Bell, John Barlow and Barbara Szanto Alexander (collectively "Defendants"), by counsel, responds to Plaintiff's First Amended Complaint (the "Amended Complaint") as follows (with each paragraph of the Answer directly corresponding to the identical numbered paragraph in the Complaint):

ANSWER

1. Regarding the first Paragraph "1" in the Amended Complaint, Defendants deny that service was not effected upon Plaintiff. The remaining provisions of the first Paragraph "1" are not allegations against the Defendants for which a response is required.

1. The second Paragraph "1" does not contain any allegations against the Defendants that require a response, and is therefore deemed denied.

2. Paragraph 2 of the Amended Complaint does not contain any allegations against the Defendants that require a response, and is therefore deemed denied.

3. To the extent that any allegations in Paragraph 3 are directed at Defendants, they are denied.

4. To the extent that any allegations in Paragraph 4 are directed at Defendants, they are denied.

5. To the extent that any allegations in Paragraph 5 are directed at Defendants, they are denied.

6. To the extent that any allegations in Paragraph 6 are directed at Defendants, they are denied.

7. To the extent that any allegations in Paragraph 7 are directed at Defendants, they are denied.

8. To the extent that any allegations in Paragraph 8 are directed at Defendants, they are denied.

9. To the extent that any allegations in Paragraph 9 are directed at Defendants, they are denied.

10. Regarding Paragraph 10, the Defendants admit that jurisdiction is proper. The Defendants deny the remaining allegations.

11. Paragraph 11 consists of legal conclusions, for which no response is required.

12. Paragraph 12 consists of legal conclusions, for which no response is required.

13. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 13, and therefore deny those allegations.

14. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 14, and therefore deny those allegations.

15. Defendants deny the allegations in Paragraph 15.

16. Defendants deny the allegations in Paragraph 16.

17. To the extent Paragraph 17 contains allegations against the Defendants, those allegations are denied.

18. Defendants deny the allegations in Paragraph 18.

19. Defendants deny the allegations in Paragraph 19.

20. Defendants deny the allegations in Paragraph 20.

21. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 21, and therefore deny those allegations.

22. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 22, and therefore deny those allegations.

23. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 23, and therefore deny those allegations.

24. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 24, and therefore deny those allegations.

25. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 25, and therefore deny those allegations.

26. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 26, and therefore deny those allegations.

27. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 27, and therefore deny those allegations.

28. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 28, and therefore deny those allegations.

29. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 29, and therefore deny those allegations.

30. Defendants deny the allegations in Paragraph 30.

31. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 31, and therefore deny the allegations.

32. Regarding Paragraph 32, Defendants Victor Szanto, Anthony Szanto and Barbara Szanto Alexander admit that Paul Szanto and Klara Szanto operated a photo shop in San Francisco, CA, but deny the remaining allegations. The remaining Defendants lack sufficient knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 32, and therefore deny the allegations.

33. Defendants admit the allegations in Paragraph 33.

34. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 34, and therefore deny those allegations.

35. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 35, and therefore deny those allegations.

36. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 36, and therefore deny those allegations.

37. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 37, and therefore deny those allegations.

38. Paragraph 38 contains legal conclusions for which no response is required. To the extent Paragraph 38 contains factual allegations, Defendants lack knowledge or information sufficient to form a belief about the truth of such allegations, and therefore deny those allegations.

39. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 39, and therefore deny those allegations.

40. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 40, and therefore deny those allegations.

41. Paragraph 41 contains legal conclusions for which no response is required. To the extent Paragraph 41 contains factual allegations, Defendants lack knowledge or information sufficient to form a belief about the truth of such allegations, and therefore deny those allegations.

42. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 42, and therefore deny those allegations.

43. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 43, and therefore deny those allegations.

44. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 44, and therefore deny those allegations.

45. Regarding Paragraph 45, Defendant Barbara Szanto Alexander admits to purchasing and being the owner of the real property at 525 Kentucky, San Mateo, CA, but denies the property was bought for her temporary benefit. The remaining Defendants lack knowledge of information sufficient to form a belief about the truth of the allegations in Paragraph 45, and therefore deny those allegations.

46. Regarding Paragraph 46, Defendants Anthony Szanto and Mariette Szanto admit to the operation of Rafael Jewelry Corp., and further admit to the purchasing assets for said Corp. Defendants Anthony Szanto and Mariette Szanto deny the allegations that said assets were bought for their temporary benefit, and further deny any allegation that Plaintiff has interest in the Corp. or its assets. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 46, and therefore deny those allegations.

47. Regarding Paragraph 47, Defendants Victor Szanto and Evye Szanto admit to the operation of a medical practice located in Red Bluff, CA, and further admit to the purchasing assets for said medical practice. Defendants Victor Szanto and Evye Szanto deny the allegation that said assets were bought for their temporary benefit, and deny any allegation that Plaintiff has any interest in the practice or its assets. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 47, and therefore deny those allegations.

48. Regarding Paragraph 48, Defendants Anthony Szanto and Mariette Szanto admit to purchasing and being the owner of the real property at 51 Mc Near, San Rafael CA. Defendants Anthony Szanto and Mariette Szanto deny the allegations that said property was bought for their temporary benefit, deny that they were not the owners of the said real property, and further deny that Plaintiff has any interest in said real property. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 48, and therefore deny those allegations.

49. Regarding Paragraph 49, Defendants Victor Szanto and Evye Szanto admit to the purchase of various real properties in Red Bluff, CA. Defendants Victor Szanto and Evye Szanto deny the allegation that said real properties were bought for their temporary benefit, and further deny the allegations that Plaintiff has any interest in or to these real properties. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 49, and therefore deny those allegations.

50. Regarding Paragraph 50, Defendants Victor Szanto and Anthony Szanto admit that Klara Szanto and Paul Szanto made purchase of various condominiums in or in the area of Burlingame, CA. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 50, and therefore deny those allegations.

51. Regarding Paragraph 51, Defendants Victor Szanto and Anthony Szanto admit that Klara Szanto and Paul Szanto made purchase of various apartments in or in the area of San Mateo, CA. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 51, and therefore deny those allegations.

52. Regarding Paragraph 52, Defendants Victor Szanto and Anthony Szanto admit that Klara Szanto and Paul Szanto owned apartments on Poplar Dr. in San Mateo, CA. The

remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 52, and therefore deny those allegations.

53. Regarding Paragraph 53, Defendants Victor Szanto, Evye Szanto, Anthony Szanto, Mariette Szanto, and Barbara Szanto Alexander admit that Klara Szanto and Paul Szanto owned works of art. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 53, and therefore deny those allegations.

54. Regarding Paragraph 54, Defendants Victor and Evye Szanto deny the allegations that they purchased a Lasik Ophthalmologic laser machine. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 54, and therefore deny those allegations.

55. Defendants Victor Szanto, Evye Szanto, Anthony Szanto, Mariette Szanto and Barbara Szanto Alexander deny the allegations in Paragraph 55. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 55, and therefore deny those allegations.

56. Defendants Victor Szanto, Evye Szanto, Anthony Szanto, Mariette Szanto and Barbara Szanto Alexander deny the allegations in Paragraph 56. The remaining Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 56, and therefore deny those allegations.

57. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 57, and therefore deny those allegations.

58. Defendants deny the allegations contained in Paragraph 58.

59. Defendants deny the allegations contained in Paragraph 59.

60. Defendants deny the allegations contained in Paragraph 60.

61. Defendants deny the allegations contained in Paragraph 61.

62. Defendants deny the allegations contained in Paragraph 62.

63. Defendants deny the allegations contained in Paragraph 63.

64. Defendants deny the allegations contained in Paragraph 64.

65. Defendants deny the allegations contained in Paragraph 65.

66. Defendants deny the allegations contained in Paragraph 66.

67. Defendants deny the allegations contained in Paragraph 67.

68. Defendants deny the allegations contained in Paragraph 68.

69. Regarding Paragraph 69, Defendants Victor Szanto, Evye Szanto, Anthony Szanto, Mariette Szanto and Barbara Szanto Alexander deny that Plaintiff had any property or documents located at the property at 105 Baywood Avenue, deny that Plaintiff had an office at said location. All Defendants deny they ever had access to Plaintiff's personal identification information, and further deny that they ever used Plaintiffs identity in any way.

70. Regarding Paragraph 70, Defendants Victor Szanto, Evye Szanto, Anthony Szanto, Mariette Szanto and Barbara Szanto Alexander deny that Plaintiff had any property or documents located at the property at 105 Baywood Avenue, deny that Plaintiff had an office at said location. All Defendants deny they ever had access to Plaintiff's personal identification information, and further deny that they ever used Plaintiffs identity in any way.

71. Defendants deny the allegations in Paragraph 71.

72. Defendants deny the allegations in Paragraph 72.

73. Defendants deny the allegations in Paragraph 73.

74. Defendants deny the allegations in Paragraph 74.

75. Regarding Paragraph 75, the allegations contained in the related footnote are legal conclusions, for which no response is required. To the extent paragraph 75 contains factual allegations against the Defendants, those allegations are denied.

76. Defendants deny the allegations in Paragraph 76.

77. Regarding Paragraph 77, the allegations contained in the related footnote are legal conclusions, for which no response is required. To the extent paragraph 77 contains factual allegations against the Defendants, those allegations are denied.

78. Defendants deny the allegations in Paragraph 78.

79. Defendants deny the allegations in Paragraph 79.

80. Defendants deny the allegations in Paragraph 80.

81. Defendants deny the allegations in Paragraph 81.

82. Defendants deny the allegations in Paragraph 82.

83. Defendants deny the allegations in Paragraph 83.

84. Defendants deny the allegations in Paragraph 84.

85. Defendants deny the allegations in Paragraph 85.

86. Defendants deny the allegations in Paragraph 86.

87. Defendants deny the allegations in Paragraph 87.

88. Defendants deny the allegations in Paragraph 88.

89. Defendants deny the allegations in Paragraph 89.

90. Defendants deny the allegations in Paragraph 90.

91. Defendants deny the allegations in Paragraph 91.

92. Defendants deny the allegations in Paragraph 92.

93. Regarding Paragraph 93, Defendants deny that they have filed claims to assert an interest in Plaintiff's money or real property.

94. Defendants deny the allegations in Paragraph 94.

95. Defendants deny the allegations in Paragraph 95.

96. Defendants deny the allegations in Paragraph 96.

97. Regarding Paragraph 97, Defendants deny any involvement with Plaintiff's identity or any compromise thereof.

98. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 98, and therefore deny those allegations.

99. Regarding Paragraph 99, Defendants deny any involvement with Plaintiff, his identity or use thereof, and deny opening any credit or bank accounts in Plaintiff's name. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph, and therefore deny those allegations.

100. Regarding Paragraph 100, Defendants deny any involvement with Plaintiff, his identity or use thereof, and deny opening any credit or bank accounts in Plaintiff's name. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph, and therefore deny those allegations.

101. Regarding Paragraph 101, Defendants deny any involvement with Plaintiff, his identity or use thereof, and deny opening any credit or bank accounts in Plaintiff's name. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph, and therefore deny those allegations.

102. Regarding Paragraph 102, Defendants deny any involvement with Plaintiff, his identity or use thereof, and deny opening any credit or bank accounts in Plaintiff's name. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph, and therefore deny those allegations.

103. Paragraph 103 does not contain any allegations against the Defendants that require a response, and is therefore deemed denied.

104. Regarding Paragraph 104, Defendants Victor Szanto, Evye Szanto, Anthony Szanto, Mariette Szanto and Barbara Szanto Alexander deny that Plaintiff had any property or documents located at the property at 105 Baywood Avenue, deny that Plaintiff had an office at said location, and deny that Plaintiff had any interest in the real property. The remaining Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 104, and therefore deny the same.

105. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 105, and therefore deny the same.

106. Paragraph 106 does not contain any allegations against the Defendants that require a response. To the extent Paragraph 106 could be construed to contain factual allegations, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 106, and therefore deny the same.

107. Paragraph 107 does not contain any allegations against the Defendants that require a response. To the extent Paragraph 107 could be construed to contain factual allegations, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 107, and therefore deny the same.

108. Defendants Victor Szanto, Evye Szanto, Anthony Szanto, Mariette Szanto and Barbara Szanto Alexander deny the allegations in Paragraph 108. The remaining Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 108, and therefore deny the same.

109. Defendants Victor Szanto, Evye Szanto, Anthony Szanto, Mariette Szanto and Barbara Szanto Alexander deny the allegations in Paragraph 109. The remaining Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 109, and therefore deny the same.

110. Defendants Victor Szanto, Evye Szanto, Anthony Szanto, Mariette Szanto and Barbara Szanto Alexander deny the allegations in Paragraph 110. The remaining Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 110, and therefore deny the same.

111. Defendants Victor Szanto, Evye Szanto, Anthony Szanto, Mariette Szanto and Barbara Szanto Alexander deny the allegations in Paragraph 111. The remaining Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 111, and therefore deny the same.

112. Defendants Victor Szanto, Evye Szanto, Anthony Szanto, Mariette Szanto and Barbara Szanto Alexander deny the allegations in Paragraph 112. The remaining Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 112, and therefore deny the same.

113. Defendants Victor Szanto, Evye Szanto, Anthony Szanto, Mariette Szanto and Barbara Szanto Alexander deny the allegations in Paragraph 113. The remaining Defendants

lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 113, and therefore deny the same.

114. Defendants Victor Szanto, Evye Szanto, Anthony Szanto, Mariette Szanto and Barbara Szanto Alexander deny the allegations in Paragraph 114. The remaining Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 114, and therefore deny the same.

115. Paragraph 115 contains legal conclusions for which no response is required.

116. Defendant deny the allegations in Paragraph 116.

117. Paragraph 117 contains legal conclusions for which no response is required.

118. Defendants deny the allegations in Paragraph 118.

119. Defendants deny the allegations in Paragraph 119.

120. Defendants deny the allegations in Paragraph 120.

121. Paragraph 121 does not contain any allegations against the Defendants that require a response. To the extent Paragraph 121 could be construed to contain factual allegations, Defendants deny that Plaintiff has suffered the damages alleged, and deny that they have any responsibility to Plaintiff, and deny the Plaintiff is entitled to the relief requested.

122. Paragraph 122 does not contain any allegations against the Defendants that require a response. To the extent Paragraph 122 could be construed to contain factual allegations, Defendants deny that Plaintiff has suffered the damages alleged, and deny that they have any responsibility to Plaintiff, and deny the Plaintiff is entitled to the relief requested.

123. Defendants deny the allegations in Paragraph 123.

124. Paragraph 124 contains legal conclusions for which no response is required.

125. Paragraph 125 does not contain any allegations against the Defendants that require a response. To the extent Paragraph 125 could be construed to contain factual allegations, Defendants deny that Plaintiff has suffered the damages alleged, and deny that they have any responsibility to Plaintiff, and deny the Plaintiff is entitled to the relief requested.

126. Paragraph 126 contains legal conclusions for which no response is required.

127. Paragraph 127 does not contain any allegations against the Defendants that require a response. To the extent Paragraph 127 could be construed to contain factual allegations, Defendants deny that Plaintiff has suffered the damages alleged, and deny that they have any responsibility to Plaintiff, and deny the Plaintiff is entitled to the relief requested.

128. Paragraph 128 contains legal conclusions for which no response is required.

129. Defendants deny the allegations in Paragraph 129.

130. Paragraph 130 does not contain any allegations against the Defendants that require a response. To the extent Paragraph 130 could be construed to contain factual allegations, Defendants deny that Plaintiff has suffered the damages alleged, and deny that they have any responsibility to Plaintiff, and deny the Plaintiff is entitled to the relief requested

131. Paragraph 131 does not contain any allegations against the Defendants that require a response. To the extent Paragraph 131 could be construed to contain factual allegations, Defendants deny that Plaintiff has suffered the damages alleged, and deny that they have any responsibility to Plaintiff, and deny the Plaintiff is entitled to the relief requested.

132. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 132, as the allegations are vague and unintelligible. Those allegations are therefore deemed denied.

133. Defendants Victor Szanto, Evye Szanto, Anthony Szanto, Mariette Szanto and Barbara Szanto Alexander deny the allegations in Paragraph 133. The remaining Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 133, and therefore deny the same.

134. Defendants Victor Szanto, Evye Szanto, Anthony Szanto, Mariette Szanto and Barbara Szanto Alexander deny the allegations in Paragraph 134. The remaining Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 134, and therefore deny the same.

135. Paragraph 135 does not contain any allegations against the Defendants that require a response. To the extent Paragraph 135 could be construed to contain factual allegations, Defendants deny that Plaintiff has suffered the damages alleged, and deny that they have any responsibility to Plaintiff, and deny the Plaintiff is entitled to the relief requested.

136. Defendants deny the allegations in Paragraph 136.

137. Defendants deny the allegations in Paragraph 137.

138. Defendants deny the allegations in Paragraph 138.

139. Defendants deny the allegations in Paragraph 139.

140. Defendants deny the allegations in Paragraph 140.

141. Defendants deny the allegations in Paragraph 141.

142. Defendants deny the allegations in Paragraph 142.

143. Defendants deny the allegations in Paragraph 143.

144. Paragraph 144 contains legal conclusions for which no response is required. To the extent Paragraph 144 contains factual allegations against Defendants, those allegations are denied.

145. Paragraph 145 does not contain any allegations against Defendants for which a response is required.

146. Paragraph 146 does not contain any allegations against Defendants for which a response is required.

147. Defendants deny the allegations in Paragraph 147.

148. Defendants deny the allegations in Paragraph 148.

149. Paragraph 149 contains legal conclusions for which no response is required.

150. Paragraph 150 does not contain any allegations against the Defendants that require a response. To the extent Paragraph 150 could be construed to contain factual allegations, Defendants deny that Plaintiff has suffered the damages alleged, deny that they have any responsibility to Plaintiff, and deny the Plaintiff is entitled to the relief requested.

151. Paragraph 151 contains legal conclusions for which no response is required.

152. Defendants deny the allegations contained in Paragraph 152.

153. Paragraph 153 does not contain any allegations against the Defendants that require a response. To the extent Paragraph 153 could be construed to contain factual allegations, Defendants deny that Plaintiff has suffered the damages alleged, and deny that they have any responsibility to Plaintiff, and deny the Plaintiff is entitled to the relief requested.

154. Paragraph 154 contain legal conclusions for which no response is required.

155. Paragraph 155 contain legal conclusions for which no response is required.

156. Paragraph 156 contain legal conclusions for which no response is required.

157. To the extent Paragraph 157 contain factual allegations against Defendants, those allegations are denied, Defendants deny that Plaintiff has suffered the damages alleged, deny that they have any responsibility to Plaintiff, and deny the Plaintiff is entitled to the relief requested.

158. Paragraph 158 does not contain any allegations against the Defendants that require a response. To the extent Paragraph 158 is construed to contain factual allegations against Defendants, those allegations are denied, Defendants deny that Plaintiff has suffered the damages alleged, deny that they have any responsibility to Plaintiff, and deny the Plaintiff is entitled to the relief requested.

159. Except as expressly admitted herein, Defendants deny the allegations in the Amended Complaint, deny any wrongdoing, and deny that Plaintiff is entitled to any relief.

AFFIRMATIVE DEFENSES

Without assuming the burden of proof where it otherwise rests with plaintiff, Defendants assert the following defenses to the Amended Complaint.

FIRST AFFIRMATIVE DEFENSE
(Failure to State a Claim)

160. Plaintiff fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE
(Statute of Limitations / Ultimate Repose)

161. One or more of Plaintiff's claims are barred by applicable statutes of limitation or ultimate repose.

THIRD AFFIRMATIVE DEFENSE
(Res Judicata)

162. One or more of the Plaintiff's claims have already been litigated and dismissed.

FOURTH AFFIRMATIVE DEFENSE
(Collateral Estoppel)

163. The issues or transactions implicated by the allegations in the Amended Complaint have already been the subject of one or more prior lawsuits brought by the Plaintiff, and should not be re-litigated in this action.

FOURTH AFFIRMATIVE DEFENSE
(Failure to Mitigate)

164. Plaintiff has failed to take reasonable steps to mitigate his damages, if any.

COUNTERCLAIMS

Defendants plead the following counterclaims against the Plaintiff.

FIRST COUNTERCLAIM
(Attorney Fees)

165. To the extent Plaintiff's claims entitle the prevailing party to recover attorney fees, Defendants are entitled to recover their reasonable attorney fees and costs upon the dismissal of Plaintiff's claims.

SECOND COUNTERCLAIM
(Wrongful Initiation of Civil Proceedings)

166. Plaintiff has brought numerous duplicative lawsuits against one or more of the Defendants in the past, in various state, federal and bankruptcy courts, based on the same or similar allegations in the Amended Complaint, or some variation thereof.

167. Plaintiff has admitted in the past that the claims he advances in the Amended Complaint would be barred by applicable statutes of limitation if the previous lawsuits were dismissed.

168. Plaintiff's previous lawsuits, many of which related to the same allegations made in the Amended Complaint, have all been dismissed without a judgment in Plaintiff's favor.

169. Plaintiff's claims are legally and factually meritless, and are brought in bad-faith to harass and/or intimidate each of the Defendants.

170. Plaintiff has been designated as a vexatious litigant in California state courts, and has recently transitioned his use of meritless litigation to federal district and bankruptcy courts.

171. Defendants are entitled to an award of damages against Plaintiff, in an amount to be proven at trial.

THIRD COUNTERCLAIM
(Injunction; Vexatious Litigant Designation; All Writs Act, 28 U.S.C. § 1651(a))

172. Defendants incorporate and re-allege, as if fully set forth herein, the allegations in Paragraphs 166 through 171.

173. Plaintiff has engaged in a lengthy and abusive pattern of litigation.

174. Defendants request entry of an order requiring Plaintiff to obtain pre-filing permission from this Court before filing any subsequent suit against any of the Defendants in this case.

175. Defendants further request entry of an order requiring Plaintiff to obtain pre-filing permission, from this Court or any other federal court, prior to filing any subsequent suit that pertains to any of the Defendants, Plaintiff's purported interest in any assets of the Defendants, Paul Szanto, Klara Szanto, and any trusts related to the foregoing.

PRAYER FOR RELIEF

WHEREFORE, having fully answered Plaintiff's adversary complaint, Defendants pray as follows:

1. That Plaintiff's Complaint, and all claims for relief therein, be denied and dismissed with prejudice;
2. On Defendants' First Counterclaim, for a judgment against Plaintiff for reasonable attorney fees, costs and disbursements incurred herein;
3. On Defendants Second Counterclaim, for a judgment against Plaintiff in an amount to be proven at trial;

4. On Defendants' Third Counterclaim, for entry of a judgment permanently enjoining Plaintiff from filing any additional actions in this Court without first obtaining the Court's permission; and

5. For all other relief as is just and equitable under the circumstances.

DATED this 6th day of March, 2017.

MOTSCHENBACHER & BLATTNER LLP

s/ Nicholas J. Henderson
Nicholas J. Henderson, OSB #074027
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on March 6th, 2017, I served the foregoing DEFENDANTS' ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT, WITH AFFIRMATIVE DEFENSES AND COUNTERCLAIMS on the following by mailing first class, postage prepaid, and by email with the party's consent, to the following:

Peter Szanto
POB 4614
Portland, OR 97208
E-mail: szanto.pete@gmail.com

THE FOLLOWING WERE SERVED ELECTRONICALLY THROUGH ECF/PACER:

- CHRISTOPHER N COYLE vbcattorney4@yahoo.com, chris@vbcattorneys.com
- DAVID OLSEN lawofficeofolsen@gmail.com

MOTSCHENBACHER & BLATTNER, LLP

/s/ Christopher Sturgeon
Christopher Sturgeon, Legal Assistant
Motschenbacher & Blattner LLP
Of Attorneys for Defendants